

MINUTES
Texas Real Estate Commission
February 7, 2000
Conference Room 235, Texas Real Estate Commission
Austin, Texas

Chairman Jay Brummett called the regularly scheduled meeting of the Texas Real Estate Commission to order at 9:00 a.m., Monday, February 7, 2000. In addition to Chairman Brummett, members present were Michael Brodie, Ramon Cantu, James Austin, Lawrence Jokl, Chris Folmer, Maria Gonzalez-Gil, Kay Sutton and Deanna Mayfield.

Staff present were: Wayne Thorburn, Administrator; Sabrina Hassumani, Assistant Administrator; Mark Moseley, General Counsel; Mia Nieman, Director of Licensing and Education; Carla Barron, Chief Accountant; Loretta DeHay, Director of Enforcement; Glen Bridge, Director of Information Services; Christina Kaiser, manager of the Education Section; Michelle Bowens, manager of the Licensing Section; Patricia Holder, Executive Assistant and Deborah Kennedy, Administrative Assistant.

After calling the meeting to order, Chairman Brummett led the attendees in the pledge of allegiance and the Texas pledge of allegiance.

Chairman Brummett moved to agenda item two, election of vice-chairman and secretary. Ms. Sutton, seconded by Mr. Brodie, nominated Chris Folmer as vice-chairman. The Chairman called for a vote. Ms. Folmer was selected as vice-chairman by unanimous vote. Ms. Folmer, seconded by Ms. Mayfield, nominated Kay Sutton as secretary. The Chairman called for a vote. Ms. Sutton was selected as secretary by unanimous vote.

Chairman Brummett moved to agenda item three, minutes of December 13, 1999 Commission meeting. Ms. Sutton, seconded by Mr. Austin, moved to approve the minutes as submitted. The motion was adopted by unanimous vote.

Mr. Brummett moved to agenda item four, staff reports; committee reports. Mr. Thorburn introduced TREC's new assistant administrator, Sabrina Hassumani.

Ms. DeHay reported on complaint activity. Ms. DeHay also reported that a case manager, Rick Valdez, had been hired and the legal assistant position had been filled by Barbara Henderson from the Education section.

Mr. Bridge reported on the preparation of the web site and software to implement the mandates of SB 974. He also reported on the open records requests handled through the TREC web site.

Ms. Nieman reported on the current licensing activity as compared to the figures at this time last year and introduced a new employee in the Communications Section, Terry Carr.

Ms. Barron reported on USAS/ABEST reconciliation and the quarterly report on measures. Mr. Thorburn gave the Commission an update on preparations for the Association of Real Estate License Law Officials (ARELLO) Southern Conference which will be held in Austin, June 22-24, 2000.

Mr. Brummett moved to agenda item five, general comments from visitors. No comments were offered.

Chairman Brummett moved to agenda item six, discussion only of proposed amendments to 22 TAC Chapter 537 concerning standard contract forms. Mr. Moseley presented item six for discussion. One comment had been received concerning the space for listing addenda.

Mr. Brummett moved to agenda item seven, discussion only of proposed repeal of 22 TAC §535.222 and adoption of new §§535.227-535.231, concerning standards of practice. Mr. Moseley distributed comments that had been received since the last meeting.

Chairman Brummett moved to agenda item eight, discussion and possible action to propose amendments to 22 TAC §§535.71-535.73, concerning mandatory continuing education. Chuck Jacobus, Chairman of the Education Committee, reported on the summary of changes that the committee was recommending. Ron Walker, Texas Association of Realtors, offered comments. Mr. Thorburn added staff recommendations for modifications. After discussion, Ms. Sutton, seconded by Ms. Mayfield, moved to propose the amendments as submitted. The motion was adopted by unanimous vote.

Mr. Brummett moved to agenda item nine, possible action to authorize filing notice of intention to review 22 TAC §§535.91-535.123, concerning provisions of The Real Estate License Act. Mr. Moseley presented the item for discussion. Mr. Brodie, seconded by Ms. Sutton, moved to authorize filing of the notice of intention to review. The motion was adopted by unanimous vote.

The Chairman requested that agenda items ten and eleven be postponed until after item seventeen. Mr. Brummett moved to agenda item twelve, discussion and possible action regarding agency concerns and disclosure when licensee is acting in multiple roles. The Chairman presented this item for discussion.. Comments were offered by John Drought, Guy Chipman Co.; Richard Smith, Richard Smith Company and Nanci Hawes, Nanci Hawes School of Real Estate. No action was taken.

After discussion, Chairman Brummett presented agenda item thirteen, discussion and possible action concerning referral fees and related matters involving relocation firms and affinity

groups. Commissioner Jokl presented the item for discussion. Mr. Brummett reported on the actions taken by ARELLO concerning relocation firms and affinity groups. Comments were offered by Louise E. Hull, President of TAR. John Borger, representing Cendant Mobility Corporation, the Employee Relocation Council (ERC) and the Coalition for Consumer Choice in Real Estate spoke concerning the basic relocation benefit package and its impact on real estate licensees. Comments were offered by Andy Bardach, vice-president of Associates Relocation; Dan Hagan, American Airlines; Jon Morse, USAA Mover's Advantage Program; Richard Smith, Coldwell Banker and DeAnn Harper, Coldwell Banker DeAnn Harper, San Antonio.

The Chairman announced a recess at 11:02 a.m.

At 11:15 a.m., the Chairman called the meeting back to order and moved to agenda item fourteen, discussion and possible action to approve the strategic planning process. Mr. Thorburn presented the item for discussion. Mr. Jokl, seconded by Ms. Mayfield, moved to approve the strategic planning schedule. After discussion Mr. Jokl amended his motion to change the sessions to Houston on March 21st, Dallas on March 22nd and Austin on Monday, March 27th after the commission meeting. The motion was adopted by unanimous vote.

Chairman Brummett moved to agenda item fifteen, discussion and possible action concerning the renewal of Les Gray's broker license. Mr. Gray presented his request to have his broker's license reinstated after paying any licensing fees and waiving the requirement of the broker's exam. Ms. Bowens, Manager of the Licensing Section, supplied background information concerning Mr. Gray's license. After discussion, the Chairman asked for a motion. No action was taken on this agenda item.

Mr. Brummett moved to agenda item sixteen, discussion and possible action concerning the contract for administration of examinations. Mr. Thorburn presented agenda item sixteen for consideration. No action was taken on this item.

The Chairman moved to agenda item seventeen, discussion and possible action to accredit the Hamilton Real Estate Educational School. Ms. Kaiser presented the agenda item for discussion. Mr. Brodie, seconded by Ms. Sutton, moved to approve the accreditation of the school as recommended by staff. The motion was adopted by unanimous vote.

Chairman Brummett moved to agenda item ten, executive session to discuss pending litigation pursuant to Texas Government Code, § 551.071, and, if necessary, to receive legal advice from general counsel on posted agenda items under Texas Government Code, §551.071(2). The executive session began at 11:45 a.m.

The meeting was called back to order at 11:56 a.m. by Chairman Brummett. The Chairman

moved to agenda item eleven, discussion and possible action to authorize payments from recovery funds.

IRF 00-002 Billy John Isenberger and Margaret Mae Isenberger v. Wayne Williamson, in the amount of \$7,500 as actual damages. Ms. Mayfield, seconded by Ms. Sutton, moved approval. The motion was adopted by unanimous vote.

RF 00-0006 Teresa Gaultney v. Carlton Skinner Simpson, in the amount of \$24,875 as actual damages and \$13,500 in attorney fees. Ms. Folmer, seconded by Ms. Sutton, moved approval. The motion was adopted by unanimous vote.

RF 00-007 Ricky Ray Tinker and Tina McCarty Tinker v. Dennis Bailey, in the amount of \$13,083 as actual damages and \$1,200 in attorney fees. Ms. Gonzalez-Gil, seconded by Mr. Brodie, moved approval. The motion was adopted by unanimous vote.

Chairman Brummett moved to agenda item eighteen, consideration of complaint information. Ms. DeHay requested authorization for the Enforcement Division to proceed with investigations on the following persons for failure to provide information in connection with their license renewals: Jeffrey Juul Bay Anderson; Ronald Wayne Bohmann; Leopoldo Paragas Carpio and Yava L. Harris. Ms. Sutton, seconded by Mr. Austin, moved to authorize investigations as requested. The motion was adopted by unanimous vote.

Mr. Brummett moved to agenda item nineteen, orders in contested cases. There were no orders to enter.

The next regularly scheduled meeting of the Commission is March 27, 2000. The meeting was adjourned at 12:00 noon.

APPROVED this the 27th day of March, A.D., 2000.

Chairman

ATTEST: _____
Administrator